Independent Analysis of the remaining 191 threatened trees in Nether Edge and Carter Knowle

Paul Selby
24th August 2017

Executive Summary

- In December 2016 I conducted a detailed survey of all the 228 threatened street trees in Nether Edge and Carter Knowle.
- At that point, it became apparent to me that nearly half of all the trees were listed for no apparent reason.
- Yes, roughly 16.3% needed to be felled due to being dead, dying, diseased, or severely damaging. And yes, a further 36.8% were being listed for felling due to a strict insistence by the Council for a straight kerb line that appears to be within the PFI contract.
- I presented this at the time to Sheffield Council both face to face and via email, who dismissed my evidence as the work of an amateur.
- Alive to such criticism, but knowing that perceptions count, I have spent most of 2017 collating evidence through freedom of information requests, as well as ensuring my findings were endorsed by both independent arborists and an independent highways engineer.
- As a result I have drafted this report, which again finds that **46.5% of the remaining threatened trees in Nether Edge and Carter Knowle can and should be saved without any question, using the free costed engineering solutions listed in the PFI contract.**
- Indeed, now that there is evidence of curved kerb solutions being used in Sheffield (see Chippinghouse Road in Nether Edge), **there is good reason to believe that a further 36.8% of the trees can and should be saved too**.
- The sample size is sufficiently large for my findings to be representative of all the remaining threatened trees in Sheffield, due for felling before the end of 2017
- More importantly however, these results are equally applicable to all the other trees that are likely to be felled for no good reason by Amey, before the end of the PFI contract in 2037.
- This report backs all of these assertions with detailed evidence
- It also makes specific requests at the end of the report for the Council to respond with transparent and detailed evidence based reasoning why myself, independent arborists, independent highways engineers, and its own appointed supposedly Independent Tree Panel are incorrect. How can we all be so collectively wrong, and the Council and Amey be right?
- With detailed evidence to back up their decision making, to allow us all to understand it, we may be able to accept their viewpoint and close the street tree campaign
- But until then, we fear that the lack of transparency and evidence based discussion is a smokescreen to hide the unjustified felling of thousands of mature healthy street trees across Sheffield.

Background

In December 2016, I undertook a tree by tree survey of each and every one of the (then) 228 trees listed for felling in the Nether Edge, Sharrow and Carter Knowle area that is agreed as the Save Nether Edge Trees geographical area.[1]

I'm not a highways engineer, but I had spent some time earlier in 2016 with a qualified highways engineer who provided me with expert advice and insight on some trees in and around Chelsea Road.

Similarly, I'm not a qualified arborist. But I have spoken to many arborists this last two years, picking up a host of knowledge and expertise; this on top of my keen amateur interest in trees over the previous 25 years of my life.

So despite never proclaiming myself to be a qualified expert in highways engineering or arboriculture, I had enough knowledge to be able to view each tree and its surroundings and make an assessment of:

a) The health of the tree – for example, signs of obvious disease such as fruiting bodies (fungus), branches without buds/leaves, peeling bark, rotten wood, and weeping sores;
b) The damage being done by the tree to the pavement and footways;
c) The damage being done by the tree to the kerb line and road;
d) Any restriction being imposed by the tree on passing vehicles or wheelchair users – for example the tree leaning significantly into the road, or overly narrowing the pavement.

As a fully qualified government analyst (MSc Economics) and civil servant, I pride myself on my evidence based approach to life, and ability to see both sides of an argument. Things in life are never black and white, with the reality being a more nuanced shade of grey. In carrying out the survey, I did my very best to give Amey and Sheffield Council the benefit of the doubt, looking for every potential reason why a tree needed felling.

The results of the analysis I carried out

Of the 228 trees:

- 20 trees (8.8%) I would ***definitely*** agree with felling:
    - 1 was genuinely leaning into a busy carriageway and had previously been hit by a bus or lorry;
    - 7 were definitely Diseased or Dead and had correctly been classified as such by Amey;
    - 9 were definitely Diseased but the trees had incorrectly been classified as Damaging, Dangerous or Discriminatory by Amey;
    - 1 was a really complex case of severe Damage to the wall it had grown on top of;
    - 2 were causing significant damage to the pavement surface and also impeding a very narrow pavement, so I would have classed them as Discriminatory rather than Damaging.

[1] This is the are encircled by Archer Road, Bannerdale Road, Fossdale Road, Carter Knowle Road, Ecclesall Road, Psalter Lane, Hunter House Road, Junction Road, Sharrow Vale Road, Cemetery Road, London Road, and the Midland Mainline.

- 17 trees (7.5%) I would ***possibly*** agree with felling:
    - 3 were classed as Decaying, Dying or Diseased, but there were no visible signs at all. I'm not an expert arborist, but I suspected these trees *probably* were genuinely diseased;
    - 1 was *possibly* Diseased but was classed as Damaging. My non-expert eye definitely thinks they are Diseased and/or Dying however given the symptoms they were displaying;
    - 9 were causing significant disruption to the road surface. I suspected they would either require relatively complex engineering solutions to save them, and/or these engineering solutions would significantly damage the tree in the process;
    - 4 would require a very large build out into the road as around a third of the trunk girth was actually in the road. As these four trees were on busy through roads, I just didn't think this was a practical solution in the circumstances.

- 84 trees (36.8%) should ***probably*** be saved if it were not for the strictures of the PFI contract:
    - 2 were classed as Discriminatory but I would question this classification. One was a tree leaning into the carriageway at the bottom of a very quiet cul-de-sac, the other had a wide pavement that easily had the minimum 0.8 metre clearance required;
    - 2 were trees which I believed were wrongly classed as Dangerous, although probably needs an independent expert opinion. For one of these trees my confidence in Amey on their classification of that tree was hesitant because it was actually marked in the wrong place on the survey map;
    - 65 were trees where small parts of the trunk or root system encroach into the road, and so would either need a slight (maximum of 2 inches) narrowing of the road for a small section, or a gradual curving of the kerb line;
    - 14 were trees which had been incorrectly classed as Dangerous because they have historically been pollarded. Fresh pollarding would remove any hint of danger and give the trees a new lease of life.

- 1 tree (0.4%) was a ***special case***. I would have included it in the "possibly agree with felling" category due to the significant disruption caused to the road. But as it is a rare mature elm tree with a protected Biodiversity Action Plan butterfly species, I therefore said the tree should be kept.

- 106 trees (46.5%) were trees I said should ***definitely*** be kept, no question at all. All these trees had no sign of roots or trunk encroaching into the road. Yes they would need a narrower kerb stone (allowed as a free solution in the PFI contract), but they are perfectly healthy and causing no real damage at all

So what does the above analysis mean?

- In my opinion, even if we accept the PFI contract as completely immovable, with no bespoke engineering solutions or pollarding allowed at all, that still leaves 46.5% of the trees listed for felling which were classified as Damaging,

but where this damage is minor, and which are therefore absolutely saveable. In other words, there is no reason to fell these trees, and the PFI contract absolutely allows for them to be saved using one of the free 14 costed engineering solutions;

- A further 36.8% are also saveable if it weren't for the strictures of the PFI contract. The majority of this category are trees where the root or trunk are less than two inches into the carriageway. Sadly the PFI contract classes a curved kerb line as a change to the kerb line, and allows Amey to charge monopoly prices for this change. Most of the rest of this category are previously pollarded trees which have not been maintained in the last 25 years. They need re-pollarding, but the PFI contract does not allow for pollarding as a free costed solution.
- Only in 16.3% of cases do I fully agree or probably agree with the recommendation to fell.
- The sample size of 228 trees is definitely sufficiently large (at over 20% of all the threatened trees in December 2016 when the survey was done) to mean these percentages were broadly applicable to the whole of the city of Sheffield.

Specific Examples

Just to back up my opinions, in this section of the report I have picked five examples on just one road. These examples are of trees in my first category, the category that independent arborists, highways engineers, and myself all agree can be saved using one of the 14 free costed engineering solutions.

Like I say earlier in the report, this is a category comprising 46.5% of the 228 trees I surveyed back in December 2016. Of the remaining 191 trees, I believe 87 are in this category and so could still be saved. The full list of these 87 trees is in Appendix C of this report.

Tree outside 70 Rundle Road

- **Original Amey/Sheffield Council reason for felling** – Rooting over kerbs into carriageway, unable to work round at all without root damage
- **ITP Recommendation** – Root in carriageway. Remove and replace tree
- **Sheffield Council final decision** – Agree with ITP felling recommendation
- **My opinion, endorsed by independent highways engineer and arborist** – No sign of root or any part of tree in carriageway, as can be seen in the photo of the kerb line. Assuming a tiny trace of the root is in the carriageway, which we couldn't find, root pruning or root shaving are both free as solutions 7 and 8 in the contract, and are perfectly safe to do on non-structural roots such as this. This would save the tree at zero cost.

Tree outside 19 Rundle Road

- **Original Amey/Sheffield Council reason for felling** – Damage to network
- **ITP Recommendation** – Root in carriageway. Excavate to consider root prune (free solution number 7) and reset kerb
- **Sheffield Council final decision** – Pushing into kerb line and damaging channel. Roots in footway and carriageway ramp would be too severe. A 1998 Sheffield based study and investigation by Nicoll and Armstrong published in the International Journal of Urban Forestry shows this advice around root pruning to be impossible to implement. Severance or pruning of roots immediately adjacent to the main stem is not only extremely poor arboricultural practice but would also render this tree structurally unsound in a high wind event, so this is also impossible to implement.
- **My opinion, endorsed by independent highways engineer and arborist** – No sign of root or any part of tree in carriageway, as can be seen in the photo of the kerb line. Assuming a tiny trace of the root is in the carriageway, which we couldn't find, root pruning is free as solution 7 in the contract, and is perfectly safe to do on non-structural roots such as this. (The author of the 1998 study quoted by Amey is horrified that his analysis is being misused by Amey in this way.) Use of thinner kerb would also help (free solution 1). Using both free solutions would save the tree at zero cost.

Tree outside 11 Rundle Road

- **Original Amey/Sheffield Council reason for felling** – Damage to network
- **ITP Recommendation** – Kerb displaced, extensive. Remove tree
- **Sheffield Council final decision** – Agree with ITP felling recommendation
- **My opinion, endorsed by independent highways engineer and arborist** – Hardly any kerb displacement, so I cannot see why ITP classed damage as extensive, as can be seen from the photograph. Thinner kerb would help (free solution 1), and would save the tree at zero cost.

Tree outside 9 Rundle Road

- **Original Amey/Sheffield Council reason for felling** – Damage to network
- **ITP Recommendation** – Kerb displaced, footway lifted. Reset kerbs, ramp footway (free solution number 3)
- **Sheffield Council final decision** – Roots lifting channel: Kerb pushed into channel line: roots tracing towards wall. Ramping will not address all issues adequately.
- **My opinion, endorsed by independent highways engineer and arborist** – Kerb displaced, but it looks as though current thin kerb could be put back after scraping away the layer of soil between kerb and root. Root pruning (free solution 7) or root shaving (free solution 8) are both perfectly safe if not done to a main root. If neither favoured, then removing kerb altogether (free solution 5) would also save the tree. Ramping of footway is also perfectly possible (free solution 3). Use of all (or some) of these options are all at zero cost to the Council.

Tree outside 1 Rundle Road

- **Original Amey/Sheffield Council reason for felling** – Damage to network
- **ITP Recommendation** – The kerb is already missing, simply insert a half width kerb stone (free solution number 1)
- **Sheffield Council final decision** – Roots under kerb line lifting channel. Roots travelling to wall where damage previously repaired: Wall now showing further minor damage. Thinner kerb will not address these issues
- **My opinion, endorsed by independent highways engineer and arborist** – No sign of roots in road or lifting the channel. Even if they were, and we have missed them, root shaving (free solution 8) of such a minor root would be perfectly safe to implement. I spoke to the homeowner of the supposedly damaged wall (minor damage), who wants the tree saving, so what is the issue with saving it?

The current situation

Of the 228 threatened trees I surveyed in December 2016, 191 remain threatened. 13 were "saved" by the ITP process, the remaining 24 have been felled. 15 of this 24 were trees where I agreed with the felling recommendation.

Whilst the percentages are now slightly different, the broad conclusions are still the same. Around half of the remaining threatened trees could be saved with free costed engineering solutions included in the PFI contract.

Potential criticism of my survey results

In my many conversations with senior Council officials since I shared my original December 2016 survey results with them, they have repeatedly dismissed my survey as worthless. They have privately and publicly criticised me as a biased amateur.

To be fair to the Council, I am an amateur, and whilst I have done my utmost best to put on my unbiased "civil servant hat," I may well remain unintentionally biased.

As a result, I have spent a long time trying to back up my survey results in various different ways with the views and opinions of truly independent experts.

Some of these have been easy to obtain, for example from independent arborists.

Others have been much more difficult. Despite trying to contact around fifty qualified highways engineers to ask for their support, few have even responded. Those that have responded told me they couldn't help me because they feared for their future job prospects in Sheffield (and indeed elsewhere in the UK), because Amey employs the vast majority of highways engineers in Sheffield (and some other localities in the UK), and will do so until the end of the PFI contract in twenty years' time. In the subject of Economics this shut down of the ability for experts to speak out is known as one of the impacts of Amey being the monopsony employer of highways engineers. (In layman's terms this is the impact of Amey being the main employer of highways engineers in Sheffield for the 25 year contract period.)

The next three sections describe how independent experts back up my findings.

Independent Tree Panel recommendations

There has been a lot of debate about whether the Independent Tree Panel (ITP) was truly independent or not. I won't get into that debate in this report. However in my opinion it did demonstrate at least some evidence of independence, making recommendations to save around half of the healthy trees it considered.

Indeed the percentage of healthy trees it recommended saving using the free costed 14 engineering solutions is near identical to my own percentage:

- The ITP considered 802 trees, 628 of which were healthy. Of the 628 healthy trees, it recommended saving 307 (48.9%) of them;
- I considered 228 trees, 208 of which were healthy. Of this 208 healthy trees, I thought that 106 (51%) could be saved.

These two percentages, 48.9% and 51% are remarkably similar and given the two different samples considered, can be classed as the same (i.e. statistically not different).

In other words, despite me not having the official arborist and highways engineering qualifications that ITP members had, the amateur expertise I have learned in these subject areas is almost certainly on a near par level with the ITP.

The view from independent arborists

The campaign has a number of independent arborists from across the country working with it. Ian Dalton, a London Council employed arborist has provided lots of advice on bad practice with Amey felling techniques. Similarly, Jeremy Barrell, a nationally renowned arborist did an excellent critique of the unnecessary felling which was shown in early January 2017 on The One Show on BBC1 at prime time.

Both Jeremy and Ian visited a number of streets with street trees in Sheffield to make their own assessments, but the samples from their own assessments within in my own survey area were too small to make extrapolations.

So to back my own local assessment up with independent arborist expertise, I invited former Salford Council lead arborist Ged Collins to walk with me and examine a sample of around 50 of the trees listed for felling. He was appalled at what he saw. He told me that in Salford, in the 27 years he was employed there, nearly all the trees I showed him he would have been able to save.

Even the diseased ones, he would have (and did in Salford) retain, for habitat value. The trouble is that to retain a diseased tree you need to pollard it, and then regularly re-pollard every three or four years to ensure it remains safe to the public. But pollarding is not allowed in the PFI contract as is not a costed solution.

In fact nearly every suggestion Ged made to save a tree, my answer was that it wasn't included as a free costed solution in the PFI contract. Ged couldn't believe the contract was so strict and was appalled at how it appeared that Sheffield's street trees were treated with such low priority compared to the Council's highway obligations. He was particularly appalled at the strict requirement Sheffield Council seemed to have for a perfectly straight kerb line, something he confirmed wasn't legally necessary.

The view from a truly independent retired highways engineer

Keith Sharples is a retired chartered civil engineer, who specialised in highways and worked on highway projects for over 25 years. Whilst he likes trees, he described himself as by no means a "tree hugger" and not someone who would protect trees at all costs.

He walked with me along a number of the roads in Nether Edge, and talked me through his expert advice on whether trees should and could be retained or not. In total we looked at around 70 trees, around 40 of which were trees listed for felling, around 30 of which were not listed for felling.

In particular our conversation about each tree focused on what he would do given complete freedom, and what he would do given the strictures of the PFI contract and its 14 free costed solutions.

Keith was able to confirm that nearly all my own assessments were correct. The one area he suggested I may be a little bit too optimistic about was in terms of trees leaning into the carriageway. Two of the trees that my own assessment said could be saved, he viewed as potentially not saveable for this reason, albeit it would depend on the specific Sheffield Council requirements with regards to trees overhanging the carriageway. But we were both perplexed because the reason for felling was listed as "damaging" where there was minimal sign of damage, not as Dangerous or Discriminatory, which is the normal reason given by Amey for felling a tree leaning into the carriageway. Extrapolating Keith's views on these carriageway leaning trees upwards to the full sample of trees, it perhaps adds around 5% to the percentage of trees that should be felled.

Keith was also shocked to find a number of trees doing no damage at all which were listed for felling which were right next to trees which we could both see were encroaching into the highway, but were not listed to be felled. We both view this as either Amey picking the wrong tree to fell (i.e. a mistake) or that they simply had a target number of trees to fell, and so picked random trees.

In summary, Keith pretty much agreed with nearly all my assessments about which trees could and couldn't be saved either within the strictures of the PFI contract, and also without those same strictures.

Summary and Conclusions

- I am now very confident in the findings of my survey. These have been backed and verified by both independent arborists and an independent highways engineer. They are also almost identical (and statistically no different) to the result of the ITP surveys.
- Even accepting the strictures of the PFI contract, somewhere **around 46.5% of all the remaining threatened trees could be saved using one of the 14 free costed engineering solutions**;
- It is a sad fact that **a further 36.8% of the trees are only being felled because of the strictures of the PFI contract**, trees that nearly other Council in the UK would do their utmost to retain;
- That said, given recent evidence of curved kerb lines being used on Chippinghouse Road in Nether Edge, there is good reason to believe this category of trees can also be saved too, despite the strictures of the PFI contract;
- Only 16.3% of the remaining trees actually need to be felled for genuine reasons;
- All this leads us back to the question about why Sheffield Council and Amey continue to pursue the felling of such a large amount of healthy trees, in the face of such huge criticism and protest, and despite so much evidence to the contrary;
- FoI information confirms that in its bid for the PFI contract, Amey's financial model included the estimated felling of 6000 trees in the first five years (see Appendix A). This suggests that Amey has an implicit target of 6000 trees to

fell, to ensure it meets its financial targets (large mature trees cost more than young saplings to maintain);

- Also, whilst Sheffield Council has the final decision on all felling's that Amey recommends, a journalist from The Economist was able to confirm some key information. In an interview with him, Cllr Bryan Lodge revealed that there is a transfer of risk from Amey to Sheffield Council should the Council agree to retain a tree that Amey recommends felling (see Appendix B). It is easy to understand therefore why Sheffield Council is so reluctant to agree to save trees that Amey recommends felling – risks cost money!

What I am asking Sheffield Council for

- I'm not asking for very much. All I want is to be able to understand with transparent and detailed evidence why myself, independent arborists, independent highways engineers, and the Council's own appointed supposedly Independent Tree Panel are incorrect. How can we all be so collectively wrong, and the Council and Amey be right?
- With detailed evidence to back up their decision making, to allow us all to understand it, we may be able to accept their viewpoint and close the street tree campaign
- But until then, we fear that the lack of transparency and evidence based discussion is a smokescreen to hide the unjustified felling of thousands of mature healthy street trees across Sheffield.
- The Council could choose to sit down with me in a room for a couple of hours to talk me through some of the complexities I might not be aware of. Or they could choose to come out to a small sample of the threatened trees with their own engineers to talk through the evidence that independent experts might have missed.
- This isn't a big ask. It's a couple of hours, the presentation of some evidence, and some much needed transparency. That's all.
- The specific questions I'd like to see covered are:
    - Why are curved kerb lines not allowed? I know it's not a legal issue in terms of the Highways Act, indeed the solution has been recently used on Sheffield roads. Is it an issue relating to the drafting of the PFI contract?
    - Why can't root pruning or root shaving not be used despite it being a free costed solution in the PFI contract? Why does this small 1998 report about Cherry trees, whose author is shocked about its misuse by the Council and Amey hold so much sway?
    - Renegotiations of contracts happen all the time. We know there is the potential for a change that helps save street trees to cost Amey extra money which they will try to charge the Council for. Why haven't the Council looked to identify other changes that would save Amey costs, thereby netting out the cost the Council as zero?
    - What are the specific reasons for felling the 46% of trees myself and independent experts have found no reason at all to fell? Any insight into a small sample of these would help?

Appendix A – Freedom of Information Request questions and answers that reveal implicit Amey financial targets to fell 6000 trees

FOI Questions submitted on 1st January

Key:

- My questions are in black text
- The Council response is in blue text
- My comments and conclusions are in red text

Question Set A

Regarding the Streets Ahead contract with Amey,

1) From what I have been told verbally, the 25 year contract with Amey allows for them to replace between 50% and 75% of all Sheffield's street trees over the life of the contract. Could you tell me if this is a target that Sheffield Council have set Amey, or is it just a guideline?

As part of the complex bidding process for the PFI contract bidders needed to make an adequate allowance in their financial model to cover the potential scale of highway maintenance that could be required. The tree risk allowance was based on an independent inspection that classified 75% of the tree stock to be mature or over mature. Whilst there may be a financial allowance, all tree replacement decisions are made by the Council and there is no target based approach being used by either Amey or the Council. We provided estimates of numbers of trees requiring replacement in our High Court submissions. Broadly we expect to have to replace between 5,000 and 6,000 trees in the Core Investment Period (i.e. the first five years of the contract) and can guess that around 200 trees per year will die or be damaged (for example, we had 23 trees blown over on the evening of 10 January 2017) each year for the remaining 20 years of the contract making totals of between 9,000 and 10,000 trees

This is a bit of an opaque answer, but I believe is the "smoking gun" we have been waiting for. It says that the 75% figure was used in the risk allowance model, but that there is no target, and that the expectation is for around 5000 to 6000 trees to be felled in the five year investment period. Reading between the lines, this suggests that the Amey bid for the PFI contract included an analytical model which somehow used the 75% figure to output an estimate of 5000-6000 trees being felled in the first five years, and that this is what the Council signed off in terms of the contract. Okay, their answer suggests there is no formal council set target, and that the final decisions are made by the Council on which individual trees to fell. But Amey will be making their initial assessments of which trees to fell based on their own internal target of aiming to fell 6000 trees. With the lack of any tree experts left in the Council, Amey experts will have the advantage with their assessments of which trees to fell. Whether the Council believe Amey because they've been bamboozled, or are working underhandedly on the side of Amey, we don't know. I suspect the former, with the Council simply not having the expertise to question Amey. Either way, this is the key information we need. Amey have an internal target which is based on their own model used in their original bid, and which all their financial calculations are based on. They need to fell 6000 trees to meet their internal financial costings, even if the Council never set an explicit target in the contract itself.

2) I have been told that the 25 year contract has got a so called "investment period" covering the first five years of the contract. Have Sheffield Council and

Amey agreed a target number of trees they need to fell in this first five years of the target, and if so, what is that number?

The first five years of the contract is the Core Investment Period and over that time the City's highways will be brought up to a good standard. There is no target for replacing trees in the Core Investment Period.

As per the previous question, the Council are probably right to say they didn't set Amey a target, but Amey will have their own internal target.

3) Cllr Bryan Lodge told me that there are financial consequences for Sheffield Council if the trees identified for felling were not felled and replaced by the end of the 2017/2018 "planting season." Could you tell me what those financial consequences are? (I.e. How much will Amey charge Sheffield Council?)

All the works necessary to bring the City's highways up to a good standard have to be completed within the Core Investment Period and that is part of the agreement with lenders. There are financial penalties on the Council should Amey not be able to complete the core investment works as agreed and the value of the penalties will depend on the circumstances but in any event they will be significant and unaffordable for the Council.

Finally, we have this written down, not just verbally. The Council will be penalised financially if they prevent Amey from completing their agreed work on time.

4) Could you explain why Amey are able to charge Sheffield Council for not felling the identified trees by the end of the 2017/2018 "planting season?" Is it because Sheffield Council are the ones to have caused the delay by setting up the Independent Tree Panel, which wasn't part of the process when the 25 year contract was signed in 2012?

Any processes that the Council has introduced that are outside the scope of the contract and that lead to delays in the core investment programme will mean the Council is responsible for costs that flow from them.

And even more detail here. Explicit admission that the setting up of the ITP process was not envisaged when the PFI contract was originally signed. The ITP process has caused significant delay to Amey's ability to relay road surfaces and pavements in full, and so the Council are on the hook financially, if the identified trees are not felled and replaced before the end of the five year investment period.

Question Set B

Regarding the documentation that was published showing Independent Tree Panel (ITP) advice, and the Sheffield Council responses,

1) The ITP make clear and specific recommendations for saving some of the trees. For example, they suggest using "Solutions 5, 8, 10 and 12" for one tree. From the various documentation I have read, the first 14 solutions are "free" as part of the 25 year contract, is that correct?

That is correct of the 25 Engineering solutions 14 are included in the scope of the highway maintenance contract

Good to have this absolutely confirmed in writing

2) In the documentation, the Sheffield Council response for nearly all the trees that the ITP make a suggestion of using one of the "free" solutions is the following: *"After a review of the costs of building engineering solutions to*

retain trees that involve changes to the highway on a number of sample tree situations the cost of applying similar bespoke engineering solutions which are outside the Streets Ahead contract, across the rest of the highway network is estimated to be of the order of £14-26 million. The Council does not have such additional funding available and many solutions would also be of a short term nature." The text doesn't actually respond to the ITP suggested "free" solution. Does that mean the "free" solutions aren't actually free, or are the Council disagreeing with the ITP recommended solution, for example thinking that the ITP suggested solution (and indeed any of the "free" 14 solutions) cannot be used?

See above in relation to options included in the contract see above. The ITP advice was to consider particular solutions rather than saying they would be applicable and none of the suggested solutions could be applied.

Another key piece of information this. In effect it proves that the ITP process is worthless. The ITP can suggest solutions. But Amey can then just bamboozle the Council with reasons why the free solutions can't be used. We have all seen loads of examples where the free solutions clearly can be used. But if the Council have no engineering experts, which we know they don't, then again Amey have the advantage in terms of expertise. Whether the Council believe Amey, or are working hand in hand with Amey in a more underhand way, we don't know. I suspect the former, with the Council not really having the expertise to question Amey's assessments, leading to the felling of trees unnecessarily.

Appendix B – Email trail from Duncan Robinson of The Economist which confirms the transfer of risk from Amey to Sheffield Council should the Council overrule Amey and retain a tree that Amey continues to recommend felling

All

You'll be interested in the email trail below. Definitely another smoking gun and backs up one of my big theories.

In simple terms, yes SCC has final decision on the trees, but there are lots of risks transferred to SCC from Amey if SCC save a tree that Amey want to fell. So they have every incentive to agree with Amey and fell all the trees they recommend.

We're getting closer and closer to understanding the root causes....

Best wishes

Paul

From: paul selby <selbypaul@hotmail.com>

Sent: Tuesday, August 8, 2017 3:27:45 PM

To: djp191@yahoo.co.uk; Duncan Robinson

Subject: Re: Fwd: Interesting comment from the council

Thanks Duncan. I agree with your interpretation

This is exactly the sort of statement I've been looking for SCC to confirm with me but they never have! So big thanks from me!

Best wishes

Paul

From: Duncan Robinson

Sent: Tuesday, 8 August, 15:24

Subject: Fwd: Interesting comment from the council

To: paul selby, djp191@yahoo.co.uk

Hello both,

Alison passed me your emails. The council came back with a peculiar statement on liability if they refuse to follow Amey's recommendation and demand that a tree be kept. I would be keen to know what you both think.

"The Council are within their rights to refuse a recommendation for tree replacement by Amey on either arboriculture or highway engineering grounds. On these occasions there would be no transfer of risk subject to the retention of the tree not impacting on Amey's ability to meet their contractual obligations and liabilities."

That to me reads like the council is liable for retained trees if it interferes with Amey's work (which I imagine they potentially would). Any thoughts from yourselves would be appreciated.

D

Duncan Robinson

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---------- Forwarded message ----------

From: Duncan Robinson <duncanrobinson@economist.com>

Date: 8 August 2017 at 14:56

Subject: Re: Interesting comment from the council

To: Chris Rust <chris@chrisrust.net>

*refuses to follow Amey's recommendation to cut down a tree, I mean.

Duncan Robinson
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On 8 August 2017 at 14:56, Duncan Robinson <duncanrobinson@economist.com> wrote:

> Hello,
>
> Just putting the finishing touches to the piece. I wanted to get back
> to you (and Paul Selby, if you could pass this on) re: the below. Paul
> raised the point about the council's liability if it refuses to follow
> Amey's recommendation. I pressed Bryan Lodge on this and he gave a
> rather garbled answer, which basically said "it depends". Council have
> just sent over an official statement below.
>
> "The Council are within their rights to refuse a recommendation for
> tree replacement by Amey on either arboriculture or highway
> engineering grounds. On these occasions there would be no transfer of
> risk subject to the retention of the tree not impacting on Amey's
> ability to meet their contractual obligations and liabilities."
>
> That to me reads like the council is liable for retained trees if it
> interferes with Amey's work (which I imagine they potentially would).
> Any thoughts from yourself or Paul appreciated.
>
> Thanks again for all your help!
>
> Duncan Robinson
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Appendix C – Full list of potentially saveable trees that remain threatened with felling

Agden Road – O/S 34
Albany Road – O/S 56
Albany Road – O/S 45
Barkers Road – Opposite 33
Briar Road – O/S 2
Briar Road – O/S 19
Briar Road – O/S 14
Brincliffe Gardens – O/S 13
Brincliffe Gardens – O/S 24
Chelsea Road – O/S 2
Chelsea Road – O/S 111 Union Road (Special case due to being a rare tree)
Chippinghouse Road – O/S 185
Coverdale Road – O/S 16
Coverdale Road – O/S 21
Coverdale Road – Side of 28 Bannerdale Road
Edgedale Road – O/S 86
Edgedale Road – O/S 32
Edgedale Road – O/S 70
Edgedale Road – O/S 6
Edgedale Road – O/S Church
Edgedale Road – O/S 3 to 11 (Javelin House)
Glentilt Road – O/S 20
Glentilt Road – O/S 1
Hunter House Road – O/S 177
Hunter House Road – O/S 176
Hunter House Road – O/S Hunter Court
Hunter House Road – O/S 145
Hunter House Road – O/S 155
Hunter House Road – O/S 167
Hunter House Road – O/S 181
Kenbourne Road – O/S 10
Kenbourne Road – O/S 33
Kenbourne Road – O/S 26
Kenbourne Road – O/S 43
Kenwood Park Road – O/S 19
Kenwood Road – O/S Hotel Gates
Kenwood Road – O/S 16
Ladysmith Avenue – O/S 26
Ladysmith Avenue – O/S 14
Ladysmith Avenue – O/S 15
Ladysmith Avenue – Opposite 11
Ladysmith Avenue – Opposite 7
Ladysmith Avenue – Opposite 5
Ladysmith Avenue – Adjacent side of 17 Barkers Road (1st tree on street)
Ladysmith Avenue – Adjacent side of 17 Barkers Road (just below substation)
Milton Road – O/S 1
Milton Road – O/S 27
Montgomery Road – O/S 102

Montgomery Road – O/S 72
Psalter Lane – O/S 100
Rundle Road – O/S 40 to 42
Rundle Road – Adjacent to Hotel
Rundle Road – O/S 1
Rundle Road – O/S 9
Rundle Road – O/S 30
Rundle Road – O/S 19
Rundle Road – O/S 50
Rundle Road – O/S 24
Rundle Road – O/S 48
Rundle Road – O/S 72
Rundle Road – O/S 70
Sheldon Road – O/S 35
Sheldon Road – O/S 44
Sheldon Road – O/S 60
Sheldon Road – O/S 32 to 34
Sheldon Road – O/S 26
Sheldon Road – O/S 85
Sheldon Road – O/S 14
Steade Road – O/S 49
St Ronans Road – Side of 81 Steade Road
Struan Road – O/S 29 to 31
Swaledale Road – O/S 5
Thornsett Road – Facing 34
Thornsett Road – O/S 22 Priory Road
Thornsett Road – O/S 23
Thornsett Road – O/S 3
Thornsett Road – O/S 7A
Thornsett Road – O/S 4
Thornsett Road – O/S 2
Thornsett Road – O/S 28
Wayland Road – O/S 100
Wayland Road – O/S 75
Wayland Road – O/S 65
Wayland Road – O/S 63
Woodstock Road – O/S 79
Woodstock Road – O/S 11
Woodstock Road – Adjacent to Church